

○

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, ) SA 08-571M  
 )  
v. ) ORDER OF DETENTION AFTER HEARING  
 ) (18 U.S.C. § 3142(i))  
LEONARDO VALENCIA CERVANTES, )  
 )  
Defendant. )  
\_\_\_\_\_ )

I.

A. ☐ On motion of the Government involving an alleged

1. ☐ crime of violence;

2. ☐ offense with maximum sentence of life imprisonment or death;

3. ☐ narcotics or controlled substance offense with maximum sentence of ten or more years

(21 U.S.C. §§ 801, 951, et. seq., 955a);

4. ☐ felony - defendant convicted of two or more prior offenses described above.

B. On motion ☐ (by the Government) / ☐ (by the Court sua sponte involving)

1. ☒ serious risk defendant will flee;

2. ☐ serious risk defendant will

a. ☐ obstruct or attempt to obstruct justice;

b. ☐ threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

II.

The Court finds no condition or combination of conditions will reasonable assure:

A. ( X ) appearance of defendant as required; and/or

B. ( ) safety of any person or the community;

III.

The Court has considered:

A. ( x ) the nature and circumstances of the offense;

B. ( x ) the weight of evidence against the defendant;

C. ( x ) the history and characteristics of the defendant;

D. ( ) the nature and seriousness of the danger to any person or to the community.

IV.

The Court concludes:

A. ( ) Defendant poses a risk to the safety of other persons or the community because:

B. ( x ) History and characteristics indicate a serious risk that defendant will flee because:

**Defendant is undocumented. He has no ties to the community and no bail resources.**

C. ( ) A serious risk exists that defendant will:

1. ( ) obstruct or attempt to obstruct justice;

2. ( ) threaten, injure or intimidate a witness/ juror; because:

D. ( ) Defendant has not rebutted by sufficient evidence to the contrary the presumption provided in 18 U.S.C. § 3142 (e).

///

///

///

///

1 IT IS ORDERED that defendant be detained prior to trial.

2 IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections  
3 facility separate from persons awaiting or serving sentences or person held pending appeal.

4 IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private  
5 consultation with his counsel.

6

7

8 Dated: October 9, 2008

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



---

Marc L. Goldman  
U.S. Magistrate Judge